

and the Motion presenting a core proceeding under 28 U.S.C. § 157(b)(2), it is **HEREBY ORDERED** as follows:

1. For the reasons stated on the record at the Hearing, the Motion is granted in part as set forth herein.

2. Nexstar's motion for summary judgment on Counts I, II, and VIII contained in the Debtor's Amended Complaint [Docket No. 8] (the "Complaint") is denied.

3. Nexstar's motion to dismiss Counts VI, VII, and IX of the Complaint is granted on grounds of comity and is subject to the appeal captioned *Marshall Broadcasting Group, Inc. v. Nexstar Broadcasting, Inc.*, 2019-05156, pending in the Supreme Court of the State of New York, Appellate Division, First Judicial Department (the "New York Appeal") in connection with the action captioned *Marshall Broadcasting Group, Inc. v. Nexstar Broadcasting, Inc.*, Index No. 651943/2019 (N.Y. Sup. Ct. 2019) (the "New York Action").

4. Nexstar's motion to dismiss Count III of the Complaint is granted under Rule 12(b)(6) of the Federal Rules of Civil Procedure (as incorporated herein by Rule 7012 of the Federal Rules of Bankruptcy Procedure). Count III is dismissed without prejudice. The Debtor may re-plead Count III by filing a further amended complaint no later than August 21, 2020.

5. All other relief requested by Nexstar in the Motion is denied.

6. The Court will conduct a status and scheduling conference on **August 27, 2020 at 3:00 p.m. Central time** (the "Scheduling Conference"). The parties are ordered to meet and confer in advance of the Status Conference.

7. All parties' rights are preserved to seek further relief from the Court upon a ruling in the New York Appeal, including the right to seek leave to re-assert Counts VI, VII and IX of the Complaint, or the right to seek dismissal of Counts IV, V or VIII of the Complaint.

Signed: August 19, 2020.


DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM:

GRAY REED

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